

<b>Application Number:</b>	2014/0044	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of ground floor and basement of 602 Burnley Road, Rawtenstall from a photographic studio and retail use (sui generis) to a health and beauty salon and retail use, and installation of new shop front	<b>Location:</b>	602 Burnley Road Rawtenstall Rossendale Lancashire
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	22 April 2014
<b>Applicant:</b>	Mrs Helen Varnom	<b>Determination Expiry Date:</b>	14 April 2014
<b>Agent:</b>	Steven Hartley		

<b>Contact Officer:</b>	Lauren Ashworth	<b>Telephone:</b>	01706-238637
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>YES</b>
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That Committee Approve planning permission for the reasons set out in Section 10.

## 2. SITE

The application site is occupied by a three storey terraced property at the end of a row located to the east of Burnley Road, Crawshawbooth. The property is of stone construction

with a slate roof. The application relates only to the ground floor and lower basement floor which are self-contained with separate front and rear doors. Metal gates are located adjacent to the property to allow access to the side and rear (this is outside of the red edge). The application site is currently vacant.

The upper floors are used as apartments and are accessed independently from the side of the building. They do not form part of this application. The property is adjoined by a hairdressing salon (Use Class A1). Other properties within this row include a travel agents (Use Class A1) and a wool shop (Use Class A1). Other surrounding uses include terraced residential properties opposite on Burnley Road and a public car park is located directly opposite the application site. A bus stop is located immediately to the north and on the opposite side of the road which provide regular services between Burnley and Manchester.

The site is located within the Urban Boundary and within the Crawshawbooth Neighbourhood Centre which is characterised by a mix of shopping uses with residential above, businesses and restaurants and cafes.

### 3. **RELEVANT PLANNING HISTORY**

2007/0627 – Change of use from estate agent (Use Class A2) to photographic studio and retail to sell photographic services and accessories (sui generis). Approve with conditions.

1993/0560 – Change of use from cafe bar to hot food take away. Refused.

1992/0331 – Change of use of ground floor from tropical fish shop to tea shop and cafe. Approved with conditions.

1990/0199 – Erection of external staircase to first floor accommodation. Approved.

### 4. **PROPOSAL**

Permission is sought for the change of use of the premises from a photographic studio and retail use (sui generis) to a health and beauty salon with retail (sui generis) including a new shop front. As per the current arrangements, the retail element of the salon will be located at ground floor fronting onto Burnley Road with a treatment area and office at the rear. The basement will contain a further treatment area, a small kitchen area and toilets. The existing oak-effect upvc shop front is proposed to be replaced with treated softwood windows, fascia and pilasters.

The application is accompanied by the following:

- Planning Statement
- Flood Risk Assessment
- site location plan
- floor plans and elevations

### 5. **POLICY CONTEXT**

#### **National**

#### **National Planning Policy Framework (2012)**

Section 1 Building a Strong Competitive Economy

Section 4 Promoting Sustainable Transport

Section 7 Requiring Good Design

Section 10 Meeting the Challenges of Climate Change, Flooding, etc

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP 4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
Policy 13	Protecting Key Local Retail and other Services
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

RBC Shopfront Design Guide Supplementary Planning Document (Adopted May 2012)

## **6. CONSULTATION RESPONSES**

### **RBC (Environmental Health)**

No comments.

### **Environment Agency**

No objection subject to a condition requiring the implementation of the Flood Risk Assessment:

*"We have no objection to the proposed development in principle provided it is carried out in accordance with the measures as detailed in the Flood Risk Assessment (Hartley Planning and Development Associates Ltd, February 2014) submitted with this application."*

### **LCC (Highways)**

No objection:

*"I do not believe that this proposed change of use will have any greater impact on the highway network than at present."*

*Therefore I do not have a highway objection to the proposal as it currently stands."*

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order 5 notification letters were sent to neighbouring properties.

3 neighbours have objected to the scheme via letters.

The main points from those objecting to the scheme are summarised below:

- The proposal would demonstrably harm the amenities enjoyed by local residents in particular the safe and available on-road parking as the proposal does not provide dedicated parking, privacy and the right to enjoy a quiet and safe residential environment.
- The development does not respect local context and would be detrimental to the local environment.
- We are concerned about the impact the proposed works could have on the stability of our property (604/608 Burnley Road).

- The development would lead to potential highway safety issues.
- Should the application be approved the Council should consider controlling hours of opening in order to make the proposal more bearable. Consideration should also be given to where visitor's, staff and delivery vehicles will park.
- The public car park is inadequate to satisfy demand.
- The previous application 1992/0331 included land to the side for dedicated parking which is no longer included.

## 8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking

### Principle

Permission is sought for the reuse of this vacant unit from one sui generis use (photographic studio and retail) to another (beauty salon with retail). This site is within a sustainable location where regular bus services are provided, and is within walking distance of the residential areas of Loveclough and Crawshawbooth. The site is within the Urban Boundary and within the Neighbourhood Centre of Crawshawbooth where smaller retail and other service centres will be supported and protected in accordance with Policy 13 of the Council's Core Strategy. Accordingly, there is no objection in principle to development.

### Visual Amenity

External alterations consist of the replacement of the existing upvc shopfront with a new traditional shopfront including painted softwood windows, fascia and pilasters, relocation of the front door from the middle to the left hand side and a sawn sandstone stall riser will be installed. No details of the colour of the painted finish have been supplied. In accordance with the Shopfront Design Guide SPD, primary colours and white should be avoided and a matt finish is often more suitable than gloss. Therefore this matter will be controlled by condition in order to ensure the paint colour and finish is chosen with the appearance of the building and its setting in mind.

The proposal is found to be an acceptable standard of design that would not harm the visual amenities of the area; indeed the proposed shop front respects the established pattern of frontages in the vicinity and will be positively enhance this property in accordance with the Shopfront Design Guide SPD and Policies 23 and 24 of the Council's Core Strategy.

### Neighbour Amenity

The proposed use is suited to this Neighbourhood Centre location. Whilst there are residential uses located on the upper floors and terraced housing opposite on Burnley Road, the nature of the use would not be detrimental to the amenities of the local residents. Having regard to the existing use, the scheme would not result in a level of noise or disturbance that would be unduly detrimental to existing residents. Although an objector has requested the Council control hours of opening, Members are advised that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (NPPF, para. 206). Officers are of the view it would be unreasonable and unnecessary to restrict opening hours for the proposed use. It is worthy of note that no such condition was attached to the previous application (2007/627).

The Council's Environmental Health Officers have raised no objections to the application. Officers are satisfied that the proposal will not unduly harm the amenities of neighbours.

### Access / Parking

3 letters of objection have been received, each of which cites highway safety and parking as key concerns.

Although the development does not include dedicated parking, the site is located within a Neighbourhood Centre which is served by on-street parking on Burnley Road (restricted to 30 minutes from 8am-6pm) and a free public car park is located directly opposite. Crawshawbooth on a quality bus transport corridor and bus stops are located immediately adjacent to the site, and on the opposite side of the road. It is also expected that visitors will arrive on foot given its proximity to surrounding residential areas.

Highway safety matters are raised by local residents however traffic regulation orders, in the form of single and double yellow lines on Burnley Road, ensure that parked vehicles do not obstruct the highway. There is sufficient public parking and areas of on-street parking which is considered appropriate to serve this use. Furthermore Lancashire County Council's Highway Engineer has confirmed that the proposed change of use will not have any greater impact on the highway network than the current lawful use, and therefore no highway objection is raised. Refusal of the application on highway safety or parking grounds would be unsubstantiated.

## **9. SUMMARY REASON FOR APPROVAL**

The scheme would bring back into use a vacant unit and would deliver an independent local facility within the Urban Boundary and within the designated Neighbourhood Centre of Crawshawbooth. For these reasons the proposal is considered to be ideally suited to this location and is therefore acceptable in principle. Officers are satisfied that the proposal will not have a detrimental impact on highway safety within the area and the scheme is considered acceptable in terms of visual amenity and neighbour amenity. The development is considered to accord with Sections 1, 4, 7, 10, 11 and 12 of the National Planning Policy Framework, and Policies AVP4, 1, 8, 9, 11, 13, 19, 23 and 24 of the Council's adopted Core Strategy DPD (2011) in addition to the Shopfront Design Guide SPD (2012).

## **10. RECOMMENDATION**

That the application be approved.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following plans:
  - Floor Plans and Elevations prepared by Rae Connell Associates (received 17/02/14)

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. No development shall take place until details of the proposed painted finish of the new timber shopfront hereby permitted have been submitted to and approved in writing by the

local planning authority. The development shall be carried out in accordance with the approved details and they shall be retained as approved thereafter.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011) and the Shopfront Design Guide SPD (2012).

4. Prior to first use of the development hereby permitted, the content of the Flood Risk Assessment dated February 2014 shall be implemented in full and it shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason : In the interests of the safe management of flood risk in accordance with Policy 1 of the Council's Core Strategy DPD.